

Exhibit B

From: [Valerie Velasco](#)
To: Kelley.Storey@lw.com
Cc: [Rena Andoh](#); [Travis Anderson](#); [Lai Yip](#); [Kazim Naqvi](#); RFluskey@hodgsonruss.com; Rachel.Fiset@zfzlaw.com; scott.tenley@zfzlaw.com; Ben.Heller@zfzlaw.com; catherine.thompson@halpernmay.com; grant.gelberg@halpernmay.com
Subject: FW: Moog Inc. v. Skyrise, Inc. et al.; Case No. 2:22-cv-09094-GW-MAR
Date: Tuesday, March 28, 2023 4:08:14 PM
Attachments: [image002.png](#)

Good afternoon,

Per the Court:

After a thorough review of the docket, it appears that the Court cannot rule on the outstanding Motions to Compel, Dkts. 176 and 179, until Plaintiff Moog Inc. has complied with the transferor court's order to identify trade secrets, Dkt. 205. The parties appear to dispute whether Plaintiff has complied with this order, and the Court is unable to determine whether Plaintiff has complied based on the limited information before it.

Therefore, if Defendants still contend Plaintiff has failed to comply with the prior court's order, Defendants may file an appropriate Motion without a telephonic conference, but only after both parties have replied to this email acknowledging they have read and understood the following:

Though a pre-motion telephonic conference is not required, parties must still comply with all the requirements of Local Rule 37 and Fed. R. of Civ. P. 37 in filing their motion. The parties are encouraged to promptly agree to some type of resolution of the dispute before filing motions. Note that, going forward, if any dispute between the parties proceeds to motion practice, the Court will be required to consider the application of the fee-shifting provisions of Federal Rule of Civil Procedure 37(a)(5). That rule generally requires the Court to assess fees against a losing party in a discovery motion unless that side's conduct was substantially justified or circumstances would make a fee-shift unjust. The fees can be imposed against the losing party's attorney, the party itself, or both. Also, moving forward, all hearings will be in-person; requests for zoom or telephonic appearances must be made at least five days in

advance of the hearing, and will only be granted upon a showing of good cause.

If the parties have since reached an agreement that the court's prior order has been complied with, both parties must confirm this agreement in an email; the Court will then respond with next steps on how to proceed with the pending Motions to Compel.

Please confirm receipt of this email. Thank you.



From: Kelley.Storey@lw.com <Kelley.Storey@lw.com>

Sent: Monday, March 27, 2023 3:08 PM

To: Erica Bustos <erica_bustos@cacd.uscourts.gov>

Cc: RAndoh@sheppardmullin.com; TAnderson@sheppardmullin.com; LYip@sheppardmullin.com; KNagvi@sheppardmullin.com; RFluskey@hodgsonruss.com; Rachel.Fiset@zfzlaw.com; scott.tenley@zfzlaw.com; Ben.Heller@zfzlaw.com; catherine.thompson@halpernmay.com; grant.gelberg@halpernmay.com

Subject: Moog Inc. v. Skyrise, Inc. et al.; Case No. 2:22-cv-09094-GW-MAR

CAUTION - EXTERNAL:

Dear Ms. Bustos,

We represent Defendant and Counterclaimant Skyrise, Inc. in the above-captioned matter and write pursuant to Judge Rocconi's discovery procedures to seek a telephone conference with the Court to discuss the below discovery issues for which the parties are at an impasse. As described in Skyrise's March 8th email to the Court, Skyrise contends that "all discovery demands and motions except those related to Skyrise's interrogatory 1" are, by order, deferred until Moog sufficiently identifies its trade secrets but in compliance with Judge Rocconi's rules we are submitting the four disputes below for a telephone conference with the Court.

The parties have agreed upon the following three proposed times for a telephone conference: April 5 from 11 am-3 pm, April 6 from 9-11 am and after 1:30 pm, and April 7 from 10 am-12 pm.

The issues Skyrise intends to discuss during the conference are:

1. **Whether the Court should grant Skyrise's motion to compel at Dkt. No. 179 regarding Requests for Production Nos. 5, 11, and 15.** The parties are at impasse: Skyrise contends that Moog has failed to produce documents responsive to these requests. Moog claims that it has already produced documents responsive to these requests and/or that producing documents would be overly burdensome.
2. **Whether the Court should order Moog to comply with the Transferor Court's source code order.** (Nov. 10, 2022 Hrg. Tr. at 64:16-65:21, adopting the Source Code Order on file at Dkt. No. 284-6). The parties are at impasse: Skyrise contends that Moog is in ongoing violation of this order and should be ordered to make its source code available for inspection following the protocol adopted by the Court. Moog contends that the Source Code Order (Dkt. No. 284-6) does not apply to it because all relevant source code is contained on the Individual Defendants' Moog devices produced to third-party neutral iDS.
3. **Whether the Court should compel Moog to produce documents responsive to Skyrise's Request for Production No. 9, which requests "[a]ll Communications and Documents relating to any investigation undertaken into any allegedly misappropriated Trade Secrets."** The parties are at impasse: Skyrise contends that Moog should have produced all communications with the FBI or U.S. Attorney's Office related to this case, and that Moog has withheld these responsive communications. Moog disagrees and asserts that any additional communications or productions between Moog and the FBI, other than what has been produced to date, are not responsive to Skyrise's RFP No. 9, despite previously confirming that it would produce all communications between Moog and the FBI.
4. **Whether Moog has improperly designated certain discovery documents as confidential under the stipulated protective order to keep them out of the public record.** The parties are at impasse: Skyrise asserts that Moog has maintained many improper confidentiality designations over materials that do not qualify for confidential treatment under the stipulated protective order (Dkt. No. 89, addendum at 96-2) and do not merit being kept out of the public record in court filings. Moog asserts that its confidentiality designations are appropriate.

Best,
Kelley

Kelley Storey
Pronouns: she/her/hers

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